REMARKS

Applicant submits that "[a] method for distinguishing between background and foreground objects in an image, comprising the steps of: i) determining respective range values for pixels in each of a plurality of related images; ii) determining respective intensity values for pixels in each of said plurality of related images; iii) establishing a multi-dimensional background model for at least some of said pixels on the basis of said range values and said intensity values; iv) comparing the range value for a particular pixel in a given image with the background model for that pixel, and labeling the pixel as a foreground pixel if the range value differs from the background model by a range threshold; and v) comparing the intensity value for said particular pixel in a given image with the background model for that pixel, and labeling the pixel as a foreground pixel if the intensity value differs from the background model by an intensity threshold," as recited in claim 1 is not taught by Kim, "Facial Region Detection Using Range Color Information," IEICE TRANS. INF. & SYST., Vol. E81-D, No. 9, Sept. 9, 1998 referenced by the Examiner in Paper No. 6 (Office Action mailed January 14, 2003) in the parent case. Kim teaches classifying objects from complicated background using a disparity histogram (DH) in which disparity distribution determines location and numbers of objects. (Page 970, Kim). Further, Kim teaches that a "[r]egion having the smallest disparity value is regarded as background." (Page 970, Kim). Kim does not teach "…establishing a multi-dimensional background model for at least some of said pixels on the basis of said range values and said intensity values," as recited in claim 1. Kim also does not teach "…comparing the range value for a particular pixel in a given image with the background model for that pixel, and labeling the pixel as a foreground pixel if the range value differs from the background model by a range threshold," also recited in claim 1. Thus, the Applicant submits that claim 1 is in condition for allowance.

Claims 2-19 depend from claim 1 and are believed to be allowable for the same reasons as those stated above.

With regard to claim 20, Kim does not teach "[a] system for identifying foreground objects in an image comprising: a sensor which determines intensity values for pixels within an image; a range processor which determines distance values for pixels within said image; a background estimator which computes a multi-dimensional background model for said pixels on the basis of said intensity values and said distance values; and a discriminator which compares intensity and distance values for pixels in an image to said background model and determines whether said pixels represent a foreground object." Kim teaches a disparity histogram (DH) that is used to determine regions having disparity values. (Page 970, Kim). Kim also teaches that background is regarded as a region having the smallest disparity value. (Page 970, Kim). Kim does not teach computing a multi-dimensional background model on the basis of intensity and distance values, as recited in claim 20. Thus, Applicant submits that claim 20 is in condition for allowance.

Claims 21-28 depend from claim 20 and are believed to be in condition for allowance. Claims 29-33 are also believed to be in condition for allowance for the same reasons as those stated above.

Favorable consideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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